IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2898 OF 2005

WITH

CHAMBER SUMMONS NO. 378 OF 2005

Sudhir Shyam Rawtu
Proprietor,
M/s. Megha Constructions. .. Petitioner.

vs.

State of Maharashtra
& Ors. .. Respondents.

Mr. R.V. Govilkar for petitioner.
Mr. G.W. Mattos, AGP., for Respondent nos. 1 to 3.
<r/ A.A. Joshi i/by Ms. T.S. Patwardhan for
Respondent No.4.

..

Coram: J.N. PATEL &,
S.C. DHARMADHIKARI, JJ.
Date: 20th February, 2007.

P.C.

. The Chamber summons is taken out for impleading the tenants of the building. In our view, the tenants are not necessary or proper parties for adjudication of

the matter and, therefore, the chamber summons is dismissed.

2. Heard.

3. The Petitioner has approached this Court for seeking a direction to quash the impugned order dated 14.3.2005 under which the petitioner's N.O.C. dated 3.1.2002 came to be cancelled. The petitioner is a proprietor of M/s. Megha Constructions who has undertaken to develop the property of the respondent no. 4. As the petitioner was not able to comply with the conditions on the basis of which N.O.C. was granted, a show cause notice came to be issued by the Chief Officer of Respondent No. 2 and pursuant to the said show cause notice, and after hearing the Petitioner the N.O.C. came to be cancelled.

4. In the affidavit in reply, the Deputy Engineer of MHADA has spelt out the conduct of the petitioner which makes him ineligible for carrying out with the project and particularly in paragraph 6 of the affidavit in reply dated 16.7.2005. In our view, this itself speaks of the deficiencies on the part of the petitioner and, therefore, we find that the impugned action taken by respondent no. 2 in cancelling the N.O.C., which was earlier granted in favour of the petitioner, is just and proper and does not call for any interference. Petition dismissed.

5. We make it clear that in case the petitioner has any claim relating to damages, etc., against the respondent, he is at liberty to seek alternative remedy in Civil Court, subject to law of limitation.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)